

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

PEDRO GARCIA,

Plaintiff,

vs.

WARDEN, et al.,

Defendants.

[1:02-cv-06603-AWI-SMS-P](#)

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATION** (Doc. 46)

**ORDER DISMISSING AND CLOSING  
ACTION**

Plaintiff, Pedro Garcia ("plaintiff"), a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On January 11, 2006, the Magistrate Judge filed [Findings and Recommendation](#) herein which were served on the parties and which contained notice to the parties that any objections to the Findings and Recommendation were to be filed within fifteen (15) days. To date, the parties have not filed objections to the

Magistrate Judge's Findings and Recommendation.<sup>1</sup>

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 73-305, this Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court finds the Findings and Recommendation to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendation, filed January 11, 2006, are ADOPTED IN FULL;

2. This action filed pursuant to 42 U.S.C. § 1983 is DISMISSED; and,

3. This action is therefore DISMISSED for plaintiff's failure to comply with a Court Order and failure to state a claim upon which relief can be granted.

IT IS SO ORDERED.

**Dated: March 3, 2006**  
Om8i78

**/s/ Anthony W. Ishii**  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> The Findings and Recommendations served at the address Plaintiff provided this court was returned with notification that Plaintiff is no longer there. Service at the last address provided by Plaintiff is sufficient. See Local Rule 83-183.